

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Council Chambers – 3300 Newport Boulevard
Wednesday, June 27, 2012
REGULAR HEARING
3:30 p.m.

1. **CALL TO ORDER** – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Benjamin M. Zdeba, Planning Technician
Makana Nova, Assistant Planner

2. **MINUTES** of June 13, 2012

Action: Approved

3. **PUBLIC HEARING ITEMS**

ITEM NO. 1 Vin Goat Minor Use Permit No. UP2012-007 (PA2012-051)
3326 E. Coast Highway

CD 6

Benjamin Zdeba, Planning Technician, provided a brief project description and noted the tenant space is currently utilized as a retail store specializing in fine foods and cheese. The addition of licenses for off-sale alcohol sales and on-sale alcohol sales for the purposes of conducting pairing classes are seen as accessory to the retail sales use. The pairing classes are to take place in a 312-square-foot preparation area and are proposed to operate between the hours of 6:00 p.m. and 9:00 p.m. He confirmed the Police Department had reviewed the application and acknowledged the applicant was present for questions.

Zoning Administrator Wisneski questioned the number of patrons expected to attend the pairing classes and the applicant indicated an expectation of ten to fifteen patrons at any time. She further questioned if the applicant would be comfortable with an added condition to place a limitation on the number of patrons and suggested that a limitation of 20 patrons would be appropriate.

The Zoning Administrator opened the public hearing. Jim Mosher, resident, provided comment in support of the condition on the number of patrons included in a pairing class, questioned whether or not a condition should limit the area devoted to beer and wine display, and requested clarification on where "work table number 8" was located as noted in condition of approval number 6. Dan Purcell, resident, also expressed support for the condition on number of patrons for each class. Seeing no other members of the public wishing to comment, the Zoning Administrator closed the public hearing.

Zoning Administrator Wisneski stated the plans indicate a 19.5-square-foot display area for beer and wine and further asserted that this depiction would be sufficient in regulating the area. Additionally, she requested a condition relating to the number of patrons be added to limit the amount to 20 people. Lastly, condition of approval number 22 incorrectly referenced a movie theater and was altered to reference a retail store. With the prior modifications, the Zoning Administrator approved the application.

Action: Approved

ITEM NO. 2 720 Poinsettia Parcel Map No. NP2012-005 (PA2012-058)
720 Poinsettia Avenue

CD 6

Makana Nova, Assistant Planner, provided a brief project description and noted that the project site was previously developed with a single-family residence that has been demolished and plans for a new duplex have been submitted for plan check. Ms. Nova also stated that the project is subject to fair share and

affordable housing fees for the addition of one additional dwelling unit and noted that applicant had reviewed the conditions of approval and was available to answer any questions.

The Zoning Administrator opened the public hearing. Jim Mosher, resident, noted that there was a typographical error relating to an additional space in the word "Sections" under Condition No. 2. Mr. Moser questioned the three year expiration time denoted under Condition No. 24, stating that Title 19 (Subdivision Code) specifies only a two-year expiration time frame. Mr. Mosher also questioned Condition No. 7, requiring all existing overhead utilities to be undergrounded since there were a number of existing wooden utility poles in the rear alley of the project site. Seeing no other members of the public wishing to comment, the Zoning Administrator closed the public hearing.

Makana Nova, Assistant Planner, responded to Mr. Mosher's questions, stating that Title 19, Subdivision Code, of the Newport Beach Municipal Code allows the Zoning Administrator to approve parcel maps for an extension of twelve months beyond the initial two-year time period. Ms. Nova also explained that Condition No. 7, relating to the undergrounding of the overhead utilities was required by the Public Works Department and does not specifically relate to the wooden utility poles at the rear alley area since separate curb cuts from the adjacent street were allowed for the new duplex because rear alley access could not be obtained as due to the existing utilities at the rear alley.

Zoning Administrator Wisneski stated that the typographical error relating to the additional space in Condition No. 2 would be corrected. With the prior modification, Zoning Administrator Wisneski approved the application.

Action: Approved

ITEM NO. 3 Chase Bank - Minor Use Permit No. UP2012-004, Comprehensive Sign Program No. CS2012-006 and Lot Line Adjustment No. LA2012-002 (PA2012-035)
1000 Irvine Avenue CD 3

Makana Nova, Assistant Planner, provided a project description and stated that the project site at 1000 Irvine Avenue was previously developed with a Shell Gas Station that has been demolished and is currently undergoing site remediation. The applicant proposes a new 4,005-square-foot financial institution with a dual lane drive-through ATM facility. For the Minor Use Permit, Ms. Nova noted 26 parking spaces are provided on-site where 17 parking spaces are required. A queuing study has been provided by the applicant demonstrating sufficient queuing for the ATM drive-through to the satisfaction of the Public Works Department. A revised resolution was provided which added Condition No. 10, clarifying the time periods for issuance of building permits for structures located across the existing lot lines and added language to Condition No. 27, clarifying the requirements for the Storm Water Pollution Prevention Plan (SWPPP). Ms. Nova provided brief project descriptions of the requests under the comprehensive sign program and lot line adjustment and stated that the project for all three applications qualified for California Environmental Quality Act (CEQA) exemptions under Class 3 (New Construction or Conversion of Small Structures), Class 5 (Minor Alterations in Land Use Limitations), and Class 11 (Accessory Structures). Finally, Ms. Nova stated that the applicant's representative had reviewed the conditions of approval and was available to respond to any questions.

Zoning Administrator Wisneski opened the public hearing. The applicant mentioned that they had reviewed the conditions of approval and noted the change to Condition No. 27 regarding the SWPPP requirements.

Jim Mosher, resident, observed that a number of service stations, like shipyards, have been removed and are often not replaced. He also noted that there are already a number of banks located within the area. He mentioned his surprise that the existing gas station had been demolished prior to the approval of the new development. With regard to the minor use permit and comprehensive sign program draft resolution for approval, Mr. Mosher inquired about Condition No. 9 regarding fair share traffic fees and was curious to know what the new fees would be and whether the applicant might actually be credited for a decrease in the traffic trips. Mr. Mosher noted there was a typographical error regarding the comprehensive sign program number

reference that occurred under Condition No. 20. Finally, Mr. Mosher requested clarification regarding the fire extinguisher requirements that occur in Condition No. 22.

Seeing no other members of the public wishing to comment, Zoning Administrator Wisneski closed the public hearing. She requested an update to Condition No. 20 to correct the typographical error with regard to the comprehensive sign program number.

Makana Nova, Assistant Planner, responded to Mr. Mosher's questions, stating that that Condition No. 9 regarding the fair share traffic fees was added to demonstrate that this analysis had been completed. The change in use from the gas station to the financial institution resulted in a decrease in traffic trips, thus no fee would be charged to the applicant. She also clarified that the applicant is never credited or paid for a decrease in fair share traffic trips. Finally, Ms. Nova noted that the fire extinguisher requirements are ministerial per the Fire Code and were noted by the Fire Department as a condition of approval for this project.

Zoning Administrator Wisneski clarified that the financial institution use is subject to a ministerial approval process. The minor use permit is required to allow the dual lane drive-through on-site. With the prior modifications, the Zoning Administrator approved the application.

Action: Approved

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

None.

ADJOURNMENT – The hearing was adjourned at 4:01 p.m.

The agenda for the Regular Hearing was posted on June 22, 2012, at 1:29 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on June 22, 2012, at 1:43 p.m.

Brenda Wisneski, AICP, Zoning Administrator